



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	May 16-110V
Case Type	Vacation – Road Easement
Project Name	Vacation, within Lots 16 and 17 <u>Park Hills</u> subdivision
Applicants/Owners	Corry W. and Chris Booz (<i>Lot 16</i>) 695 NE 65 th Terrace Gladstone, MO 64118
Owner:	Thomas and Joleen Dobson (<i>Lot 17</i>) 15825 Park Lane Excelsior Springs, MO 64024
Request	<u>Vacate a road easement within Lots 16 and 17</u> <u>Park Hills</u> subdivision
Application Submittal	2016-03-31
Public Notice Published	2016-04-14
Certified Adjoiner Letter Sent	2016-04-15
Report Date	2016-04-26
Public Hearing Opened	2016-05-03
REPORT AUTHOR(S)	Debbie Viviano, Planner Kipp Jones, Manager
Recommendation	APPROVE with condition



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: Road Easement between Lots 16 and 17 of Park Hills subdivision

Approximately 15812 Park Lane

Section 28 | Township 53 | Range 30

Site Size: See below legal description and attached diagram

Existing Landuse & Zoning: Residential Rural District (R-1)

Zoning/Platting History: Park Hills, recorded April 12, 1976

Surrounding Landuse & Zoning:

North - Agricultural (AG) zoned land

East - Park Hills (R-1), R-1A zoned land and Agricultural (AG) zoned land

South - Park Hills (R-1), 92 Highway and (R-1A) zoned land

West - Agricultural (AG) zoned land, Union Pacific Railroad

Current Conditions:



Clay County Assessor GIS Mapping



Courtesy Microsoft® Bing™



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Cory and Chris Booz, owners of Lot 16, Park Hills, also representing Tom and Joleen Dobson, owners of Lot 17, Park Hills are seeking to vacate a road easement legally described as follows:

A roadway easement described as follows: Beginning at a point 61.7' south of the intersection of the west right of way line of Lots 16 and 17 in Park Hills, a subdivision of land in Clay County, Missouri; thence approximately 413.7' in southeasterly direction to a point 94.2' northwesterly from the intersection of the south line of Lot 16 with the platted cul-de-sac line; thence approximately 413.7' in a northwesterly direction to a point on the west right of way line of Lot 17; thence south 61.7' along the west right-of-way of lot 16 to the point of beginning. All as set forth and described on the recorded plat of Park Hills, subdivision of land in Clay County, Missouri.

Cory and Chris Booz began reviewing Lot 16 for the building of a single family home, but due to the road easement and the topographic lay of the lot the home would not fit on the lot.

Character of the General Neighborhood

Agriculturally (AG) zoned property is to the north, east, and west. Park Hills (R-1) and R1-A zoned land is to the east. Park Hills (R-1), 92 Highway, and R1-A zoned land are to the south. The Union Pacific Railroad is to the west. [See Attachment B].

LDC Considerations

Chapter 151-3.13 of the 2011 Clay County Land Development Code ("LDC") sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with the Missouri Revised Statutes ("RSMo") Chapter 71.270.

The applicants for the vacation must meet the approval criteria as noted in Section 151-3.13 (F):

F. Approval Criteria

A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria has been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.

The requested Vacation appears to substantially comply with the LDC. The vacation application was properly noticed in the Kearney Courier on April 14, 2016, and the adjacent property owner was notified by a certified letter dated April 15, 2016.

Outside Agency Review

The vacation request was mailed by a certified letter to the adjacent property owner to the west dated April 15, 2016 and signed by the owner of the property on April 18, 2016. No objection to the request has been received as of the writing of this report.



Report to Planning & Zoning Commission

Clay County, Missouri

Findings

After the applicants and Staff's research the following was found regarding this easement: This is not a dedicated road easement to Clay County, but rather a platted road easement that was never dedicated nor developed.

No opposition has been received as of this writing.

Recommendations

Staff recommends **approval** of this vacation request based upon no stated objection of (Case No: May 16-110V), along with general compliance to the LDC, with the following condition as shown on Exhibit A:

Exhibit A

1. The **Resolution for Vacation**, if approved by the County Commission, will need to be recorded (Case No: May 16-110V) with the above described Road Easement shown as vacated.

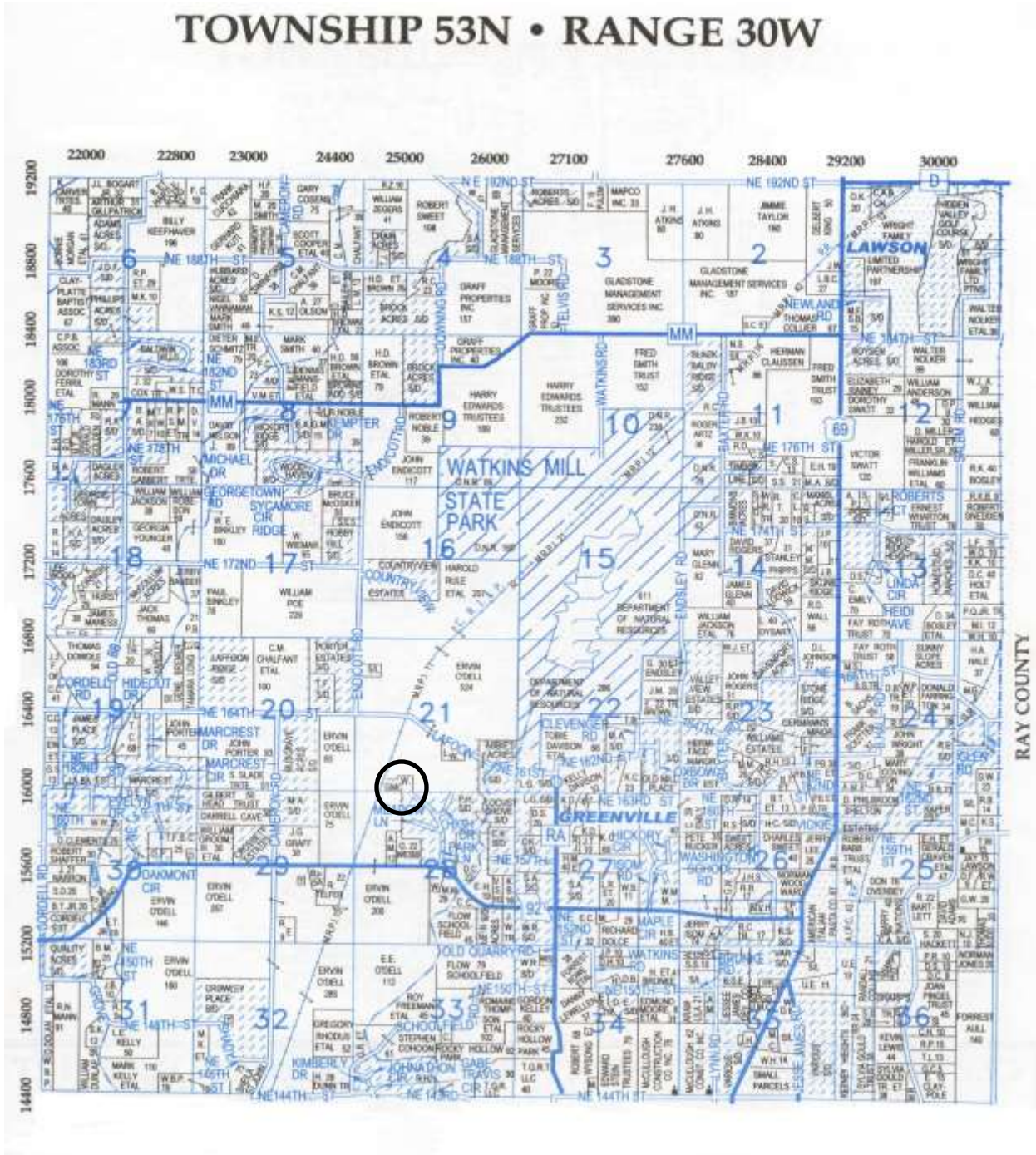


Report to Planning & Zoning Commission

Clay County, Missouri

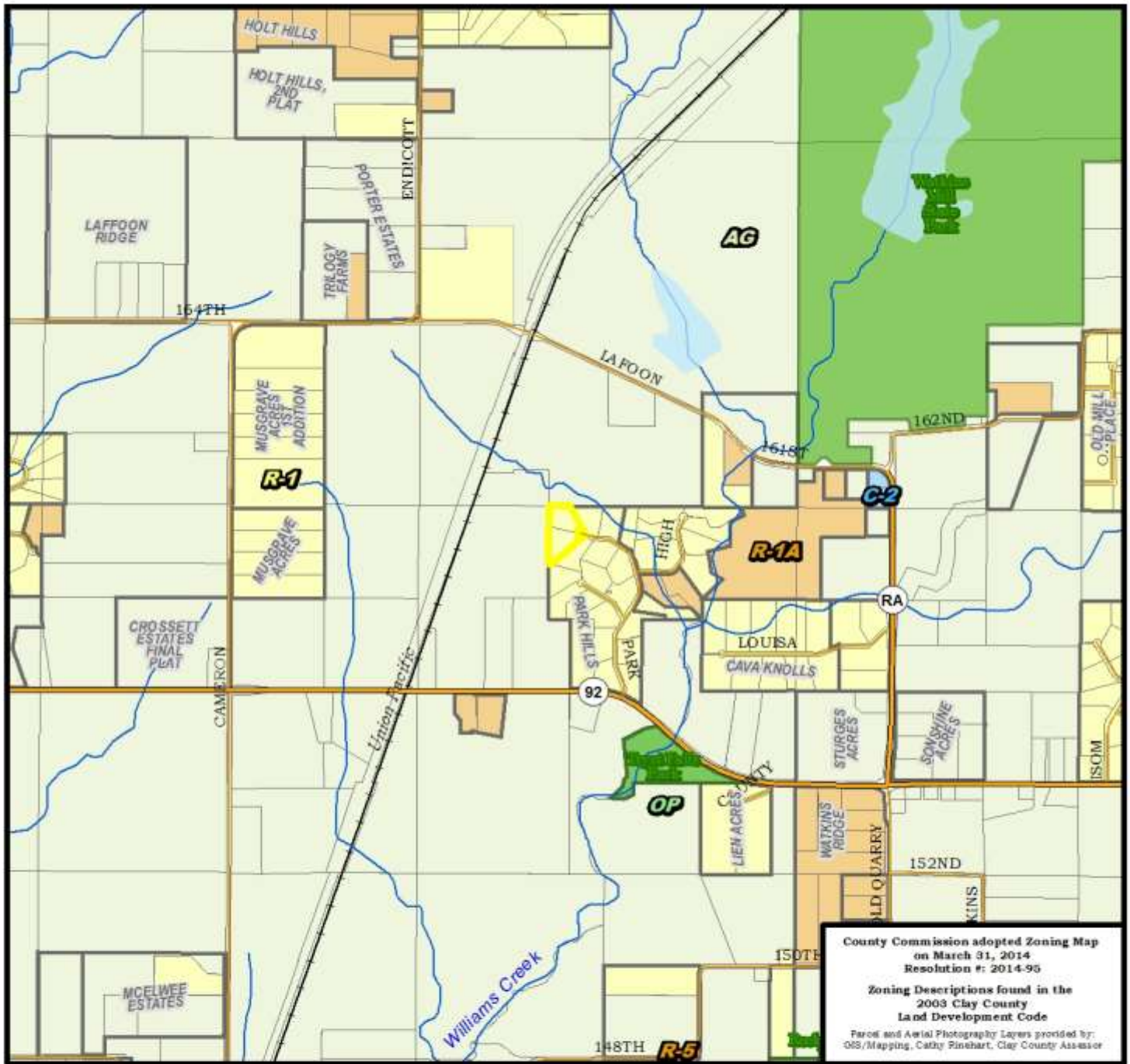
Attachments

May 16-110V – Vacation – Road Easement – Within Park Hills, Lots 16 and 17 Attachment A – Vicinity Map



May 16-110V – Park Hills - Road Easement Vacation

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Pinehart, Clay County Assessor

Planning & Zoning Department

1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

- | | | | |
|---------------|----------------|-------------------|----------------------|
| Property Line | Roads | Subdivisions | Zoning Districts C-1 |
| Streams (EPA) | Interstates | 2016 City Limits | C-2 |
| Railroads | State Highways | Parks | C-3 |
| Highway Ramps | Local Roads | R-1 | I-1 |
| | | R-3 | OP |
| | | County Boundaries | |

May 16-110V – Park Hills - Road Easement Vacation

Attachment C - Site Plan Map



Planning & Zoning Department

1 inch = 150 feet
1 inch = 0.03 miles

LEGEND

- | | | |
|---------------|----------------|-------------------|
| Property Line | Roads | Subdivisions |
| Streams (EPA) | Interstates | 2016 City Limits |
| Railroads | State Highways | Parks |
| | Local Roads | County Boundaries |
| | Highway Ramps | |



Report to Planning & Zoning Commission

Clay County, Missouri

May 16-110V – Vacation – Road Easement- Within Lots 16 & 17, Park Hills Attachment D – Site Plan

